

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
Western Division

**MATTHEW HODGE, DAVID
HOLBROOK, PHILIP KAY, JACOB
FRANCKOWIAK, and RALPH BROWN,
individually and on behalf of all others
similarly situated,**

No. 5:19-CV-478-D

Plaintiffs,

v.

**NORTH CAROLINA DEPARTMENT OF
PUBLIC SAFETY and DIVISION OF
ADULT CORRECTION AND JUVENILE
JUSTICE,**

Defendants.

ORDER GRANTING MOTION TO SUBSTITUTE DEFENDANTS

Plaintiffs named the North Carolina Department of Public Safety and Division of Adult Correction and Juvenile Justice (together, “DPS”) as Defendants in this lawsuit. Pursuant to North Carolina Session Law 2021-180, the North Carolina Department of Adult Correction (“DAC”) was established as a single, unified cabinet-level department. Effective January 1, 2023, all employees, functions, powers, duties, and obligations related to Adult Corrections and Community Supervision were transferred from DPS to DAC. DAC stipulates that it has assumed those obligations, which include any potential liability relating to the claims at issue in this case, which are alleged to have arisen from the administration of Adult Correction functions.

Accordingly, the Clerk of Court is DIRECTED to substitute DAC for DPS as the proper party-defendant in this lawsuit. DPS is hereby DISMISSED.

SO ORDERED. This 26 day of February, 2023.


JAMES C. DEVER III
United States District Judge